

Remarks

Claims 1-11 are pending in the application. Claims 1-8 are rejected. Claims 9-11 are newly added.

Examiner Interview

The undersigned thanks Examiner Ruthkosky for the courtesy of an interview on October 7, 2005.

Claim rejections

Section 102

Claims 1-4, 6 and 7 were rejected under 35 USC 102(b) as being anticipated by Meacher et al. (US 5,858,569) ("Meacher"). The Applicant respectfully traverses. Meacher does not anticipate the claims for at least the reason that Meacher does not disclose the features recited in claim 1. For example, Meacher does not disclose a separator having a contact portion and a terminal of a cell voltage monitor, wherein the contact portion contacts the terminal.

Moreover, contrary to the Examiner's position, Meacher does not disclose a separator comprising a metal plate including a gas passage portion and a contact portion in a part other than the gas passage portion, wherein a surface treatment on the gas passage portion is different from a surface treatment on the contact portion. As disclosing this subject matter, Examiner cites cols. 5 and 6 of Meacher, an "untreated frame/stainless steel section" and a "gasket frame portion." However, none of the latter relates to a separator comprising differently-treated surfaces as recited in claim 1.

Accordingly, claim 1 is allowable over Meacher. Moreover, since they depend on claim 1, claims 2-4, 6 and 7 are likewise allowable over Meacher for at least the reasons discussed in connection with claim 1. Withdrawal of the rejection of claims 1-4, 6 and 7 as anticipated by Meacher is therefore respectfully requested.

Section 103

Claims 1-8 were rejected under 35 USC 103(a) as being unpatentable over Meacher in view of Hiroshi et al. (JP 11-339828) ("Hiroshi"). The Applicant respectfully

traverses. Like Meacher, Hiroshi is silent with regard to a separator comprising a metal plate including a gas passage portion and a contact portion in a part other than the gas passage portion, wherein a surface treatment on the gas passage portion is different from a surface treatment on the contact portion, as recited in claim 1. An advantage of the claimed separator structure over the prior art is that the structure makes it possible to maintain good corrosion resistance of the gas passage portion, while stabilizing the contact resistance of the contact portion.

Claim 1 is therefore allowable over Meacher and Hiroshi. Since they depend on claim 1, claims 2-8 are likewise allowable over Hiroshi for at least the reasons discussed in connection with claim 1. Withdrawal of the rejection of claims 1-8 as being unpatentable over Meacher and Hiroshi is therefore respectfully requested.

Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By:


William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201